

Meeting of the Town Board, Town of Yorktown held on November 14, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Bernard, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss the employment of a particular individual. Upon motion made by Councilman Diana, seconded by Councilman Bernard, the Town Board moved out of Executive Session and proceeded with the meeting.

3451 CROMPOND ROAD GAS STATION (Lewis Roane)

The applicant, Lewis Roane, presented preliminary drawings to renovate the gas station located at 3451 Crompond Road. Some of the changes would be to convert bay doors to windows, a new sign, and an overall upgrade to the site. Supervisor Grace stated that he would like to see the site cleaned up. More details on the canopy; and a rendering of the plan with building elevations and signage. He suggested monument signage and is concerned about the aesthetic impact since they are on a major road. The applicant explained that there is a decrease in volume since BJ's opened its gas station. He said his numbers show he is down 50-60% in volume. He said the upgrade is long overdue. The Town Board asked the applicant to work with the Planning Department and create a more detailed plan for the site.

POET LAUREATE

John F. McMullen approached the Town Board to suggest a poet laureate for Yorktown. He gave a brief description of his background and how poetry came into his life much later on. He has five (5) published poetry books and does readings. He has met other poet laureates for local towns and their role in bringing poetry to residents, particularly young people. It is an unpaid position. His subject matter is whatever is pertinent to him at the moment – the world around him; his life events, etc.

APPOINTMENT OF POET LAUREATE – JOHN MCMULLEN RESOLUTION #405

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

Resolved, that the Town Board appoints John McMullen as the Poet Laureate for the Town of Yorktown.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

CAPITAL PROJECTS

The Town Board discussed various Capital Projects that the Engineering Department is working on. Mr. Michael Quinn, Town Engineer stated that a capital projects line would have to be created for the Hill Boulevard and Veterans Road Culvert Replacement projects. The estimated cost is 2.6 million dollars and is a reimbursement grant from New York State.

Town Engineer Quinn stated that the New York State Department of Environmental Conservation is requiring maintenance of the wetlands areas in the following locations: around Sparkle Lake dam, retention pond at Railroad Park and the retention pond at the Police Station under the auspices of the East of Hudson Corporation and requiring regular inspections.

CREATION OF CAPITAL PROJECTS FOR HILL BOULEVARD BRIDGE REPLACEMENT
& VETERANS ROAD CULVERT REPLACEMENT
RESOLUTION #406

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

Be it resolved that the Comptroller is authorized to establish the following Capital Projects to be funded by General Fund – Fund Balance:

HD – Hill Blvd Bridge Replacement	\$2,600,000.00
HE – Veterans Road Culvert Replacement	\$ 820,000.00

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

DECISION ON REZONING REQUEST FOR 712 KITCHAWAN ROAD
LEAD AGENCY, NEGATIVE DECLARATION, SEQRA FINDINGS
RESOLUTION #407

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS, Steven Spiro & Michael Katz, now known as Kitchawan Barns, LLC (the “Applicants”) as contract vendees, by their attorneys Cuddy & Feder LLP, applied to rezone the approximately 14.70 acre parcel located at 712 Kitchawan Road in the Town of Yorktown, also known as Section 70.06, Parcel 1, Lot 4 on the Tax Map of the Town of Yorktown (the “Property”) into the transitional zoning district. The proposed transitional zone will allow the Property to be used and developed for a for-profit office, including for-profit office and flex space including use for a digital printing/cutting/laminating business; and

WHEREAS, the Property is currently zoned R1-200, however historically the Property has been used for several not-for-profit, and limited for-profit uses, including research, laboratories, office space, educational, and other related uses, the most recent being the Brooklyn Botanic Garden Corp. and The Kenneth S. Warren Institute, Inc., the current owner of the Property; and

WHEREAS, the Property is currently improved with an existing research laboratory building, including existing office space, laboratories, and conference rooms; and

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on July 18, 2017 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York, which was reconvened and closed on October 3, 2017; and

WHEREAS, the Applicants submitted as part of its application an Environmental Assessment Form dated April 21, 2017 evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board circulated its intent to become lead agency; and

WHEREAS, receiving no objection or opposition to its intent to act as lead agency, the Town Board hereby declares itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board, using the information provided by the Applicants and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board created the transitional zone designation specifically for residentially zoned properties that, have unique characteristics that make them difficult to develop under their zoning designation; and

WHEREAS, the transitional zoning designation considers the unique characteristics of the these specific parcels and establishes area and bulk requirements to assure compatibility with the surrounding uses and character of the immediate neighborhood; and

WHEREAS, the Property is surrounded by the Kitchawan Preserve, a 208-acre natural preserve owned by Westchester County, which was formerly part of the same site when the entirety of both properties were owned and used as a research facility by the Brooklyn Botanic Garden (the “Garden”); and

WHEREAS, when the Garden sold the 208-acre parcel to Westchester County, it retained its adjoining 14.70-acre parcel (“Retained Property”) and granted the County a right of first refusal to purchase the Retained Property if the Garden entered into an agreement to sell the Retained Property to a third party; and

WHEREAS, at the same time, the County granted the Garden, its successors and assigns, a vehicular and pedestrian easement on, over and across the existing entrance road of the Kitchawan Preserve in order to provide access to and from the Retained Property and NYS Route 134, Kitchawan Road; and

WHEREAS, on Monday, June 5, 2017 Westchester County waived its Right of First Refusal and accepted a new Right of First Refusal with the Applicants; and

WHEREAS, the Applicant’s parcel qualifies as a targeted property for a transitional zoning designation as defined in Article XVII of the Town Code in that:

1. The Property has a pre-existing non-conforming research and office use allowed by special permit in the residential zone that is now surrounded by a County owned park preserve and where access is by an access agreement with Westchester County over said park land and this arrangement therefore makes it impractical to redevelop the site in its current zoning designation. The Premises, which acts as a buffer between the Kitchawan Preserve and the NYS Route 134 (a major traffic route, used by heavy trucks and commercial vehicles), lies between properties zoned R1-80, County Commercial and in proximity to RSP-1, which are distinctly different zoning districts;
2. The Applicant has sufficiently demonstrated that the present residential zoning of the Property is not compatible with the surrounding uses. Under its current zoning designation, Westchester County may not waive its Right of First Refusal on a redevelopment of the property that complies with the zone because it would substantially change the existing use and operation of the site; and

WHEREAS, the Planning Board received the applicant's site plan submittal and recommended the approval of the transitional zone request by memorandum dated July 18, 2017; and

WHEREAS, pursuant to Article XVII, the Town Board hereby finds the following:

- i. The use of the subject Property is compatible with adjacent land uses and will not adversely affect the continued use of adjacent properties as presently zoned;
- ii. The use is compatible with the environmental constraints of the site;
- iii. The use of the subject site cannot be accommodated by the existing zoning or by an existing zoning classification; and
- iv. The subject site is not economically developable under the existing zoning designation; and therefore

BE IT HEREBY RESOLVED, that the Town Board pursuant to 6NYCRR §617.7 of the State Environmental Quality Review Act determines that there will be no adverse environmental impacts resulting from this action and therefore adopts a negative declaration pursuant thereto; and

BE IT FURTHER RESOLVED that the request for rezoning of the subject parcel to a transitional zone is hereby granted; and

The use, density, setback and area and bulk requirements for the subject site shall be as follows:

PERMITTED MAIN USES:

1. Office.
2. For-profit office and flex space including use for a digital printing/cutting/laminating business.

MAIN USES BY SPECIAL PERMIT FROM TOWN BOARD:

1. Main Uses Permitted by special permit from the Town Board in accordance with the provisions of §300-21(C)(1)(b) and in accordance with the provisions of Article VII.

PERMITTED ACCESSORY USES:

1. One dwelling unit or guest facility for the temporary accommodation of company employees and of visitors to the office provided that such unit is located in a main building and that the site is limited to one such dwelling unit or guest facility.
2. Permitted Accessory Uses in accordance with the provisions of § 300-21(C)(1)(c) and subject to the provisions of § 300-182.

PERMITTED ACCESSORY USES BY SPECIAL PERMIT FROM TOWN BOARD:

1. Permitted accessory uses by special permit from Town Board in accordance with the provisions of § 300-21(C)(1)(d) and in accordance with the provisions of Article VII.

SCHEDULE OF REGULATIONS

TRANSITIONAL ZONE PROPOSED BULK REGULATIONS

Lot area	14.07 ac
Lot width at front yard	802.64 ft
Front yard	299.85 ft
Side yard	305.58 ft and 555.49 ft;
Rear yard	179.67 ft
Maximum height	35 ft main building 20 ft accessory building
Maximum coverage	13,987 sq ft (2%)
Off street parking	Office: 43 parking spaces existing to remain

FURTHER RESOLVED, that no development shall be permitted except in accordance with a plan of development approved by the Town Board pursuant to the State Environmental Quality Review Act and Article VIII of the Yorktown Town Code and all other relevant laws.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

**DECISION APPROVING REZONING REQUEST FOR 712 KITCHAWAN ROAD
STEVEN SPIRO AND MICHAEL KATZ KNOWN AS KITCHAWAN BARNES, LLC.
RESOLUTION #408**

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS, Steven Spiro and Michael Katz, now known as Kitchawan Barnes LLC, (the “Applicants”) as contract vendees, by their attorneys, Cuddy & Feder LLP, applied to the Town Board of the Town of Yorktown for site plan approval under Article XVII of the Town Code of the Town of Yorktown; and

WHEREAS, the subject site is a 14.70 acre parcel located at 712 Kitchawan Road in the Ossining area of the Town of Yorktown and is transitionally zoned, and known as Section 70.06 Parcel 1 Lot 4 on the Tax Map of the Town of Yorktown (the “Property”); and

WHEREAS, the applicant submitted as part of his application the following site plan related drawings:

1. A drawing, titled "Site Plan," Sheet 1 of 3, prepared by Aryeh Siegel, Architect, dated

July 14, 2017, last revised September 30, 2017;

2. A drawing, titled “Proposed Storage Building – Elevations,” Sheet 2 of 3, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised September 30, 2017; and
3. A drawing, titled “Proposed Floor Plans,” Sheet 3 of 3, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised September 30, 2017.

WHEREAS, access to the Property is shared access with the Kitchawan Preserve, a Westchester County owned park preserve and the County has determined the proposed use of the Property is in compliance with the Access Easement dated October 17, 1989; and

WHEREAS, Westchester County (the “County”) is authorized to enter into a revocable license agreement with the Applicants for the duration of their ownership of the Property pursuant to which the Applicants will, on occasion, have use of one parking space in the parking area in exchange for which the Applicants shall, undertake to improve and maintain the parking area and the driveway that make up the Access Easement to the satisfaction of the County; and

WHEREAS, said revocable license agreement with the County ensures the continued maintenance of the site entrance as it exists therefore preserving the existing character of the area; and

WHEREAS, the Applicants also submitted as part of its application an Environmental Assessment Form dated April 21, 2017 evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board declared itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board
Conservation Board
ABACA
Town Engineer

and;

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on July 18, 2017 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York, which was reconvened and closed on October 3, 2017; and

WHEREAS, the Town Board, based on the Applicant's submissions, comments received by the involved boards and agencies and the testimony received at the public hearings, issued a negative declaration pursuant to SEQRA §617.7 finding the proposed action would not significantly affect the environment; and

WHEREAS, on October 17, 2017 the Town Board approved the Applicant’s verified petition to rezone the Property from R1-200 to the transitional zone; be it hereby

RESOLVED, that site plan approval is hereby granted for a for-profit office, including a for-profit office and flex space including use for a digital printing/cutting/laminating business on the Property. The Property shall be improved as per the latest revised drawings listed above and pursuant to the following amendments and conditions:

1. The primary use of the subject Property shall be limited to the uses cited above and as listed in the resolution granting approval for rezone of 712 Kitchawan Road (the “Rezoning Resolution”);

2. The following bulk regulations, as established by the Town Board at the rezoning stage, shall be met by the proposed development as shown on the site plan drawings enumerated herein and as listed below:

Lot area	14.07 ac
Lot width at front yard	802.64 ft
Front yard	299.85 ft
Side yard	305.58 ft and 555.49 ft;
Rear yard	179.67 ft
Maximum height	35 ft main building 20 ft accessory building
Maximum coverage	13,987 sq ft (2%)
Off street parking	Office: 43 parking spaces existing to remain

3. Requests to use the property for more than 30 employees shall require Town Board approval;
4. There are 43 pre-existing parking spaces on the Premises that will remain gravel and macadam as shown on the Site Plan. This does not limit repairs of the parking areas using the same or similar materials, or other pervious pavers;
5. The proposed enclosure of the existing greenhouse will be red wood barn siding;
6. Lighting shall be consistent with the lighting shown on the Site Plan;
7. 4” caliper Scotch Pine screening trees will be installed to be maintained by the owner of the Property;
8. Deliveries to the Property not between the hours of 9am and 5pm, shall be to the front entrance of the building; and
9. Entrance signage will be consistent in size and style with existing signage.

FURTHER RESOLVED, the Applicant shall submit copies of the approved site plan for signature by the Town Supervisor.

LOCAL LAW #17 OF 2017 AMENDING CHAPTER 300, AMENDING THE ZONING OF A PARCEL FROM R1-200 TO TRANSITIONAL ZONING DISTRICT – SECTION 70.06, BLOCK 1, LOT 4
RESOLUTION #409

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS, a public hearing was held on July 18, 2017 pursuant to notice duly published as required by law to amend Chapter 300 of the Code of the Town of Yorktown by amending the zoning of the parcel from a One-family Residential (R1-200) Zone to a Transitional Zoning District in accordance with Chapter 300 of the Zoning Code of the Town of Yorktown in order to permit the continued use of the existing office building as an office. The proposed local law will amend the Town of Yorktown zoning map, as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from the R1-200 Zoning District to the Transitional Zoning District:

Section 70.06, Block 1, Lot 4 (70.06-1-4) (approximately 14.7 acres)

RESOLVED, that Local Law #17 of 2017, as annexed hereto, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on rollcall, which resulted as follows:

Supervisor Michael Grace	Voting	Aye
Councilman Vishnu Patel	Voting	Aye
Councilwoman Gregory Bernard	Voting	Aye
Councilman Thomas Diana	Voting	Aye
Councilman Edward Lachterman	Voting	Aye

Local Law #17/2017 was thereupon declared adopted.

APPOINT LABORER
CHRISTOPHER MORAN – BUILDING AND MAINTENANCE DEPARTMENT
RESOLUTION #410

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

BE IT RESOLVED, that Christopher M. Moran of Mahopac, NY, is hereby appointed Laborer, job class code 0425-05, within the Building Maintenance Department, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$42,225.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on November 20th, 2017.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
 Resolution adopted.

APPOINTMENT LABORER
STEVEN CHANCHEE – BUILDING AND MAINTENANCE DEPARTMENT
RESOLUTION #411

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

BE IT RESOLVED, that Steven W. ChanChee of Yorktown Heights, NY, is hereby appointed Laborer, job class code 0425-05, within the Building Maintenance Department, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$42,225.00 annually;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on November 20th, 2017.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
 Resolution adopted.

REQUEST TO WAIVE FEE FOR DRUG CRISIS IN OUR BACKYARD FOR USE OF ROOM
(S) AT THE YORKTOWN COMMUNITY CULTURAL CENTER
RESOLUTION #412

Upon motion made by Councilman Lachterman, seconded by Councilman Bernard,

BE IT RESOLVED that based on a request from Drug Crisis in Our Backyard, a community-based 501(c)(3) non-profit organization offering education and action-oriented opportunities for families and individuals struggling with addiction, the Town Board hereby waives the rent fees of \$891.00 for 23 one and one-half hour sessions in Room 23 and Room 3; one and one-half hour sessions in the Nutrition Center at the Yorktown Community & Cultural Center beginning in January 2018 through December 2018.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
 Resolution adopted.

ADVERTISE BID FOR GRIT & SCREENINGS REMOVAL FOR THE WATER POLLUTION
CONTROL PLANT
RESOLUTION #413

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York,

until 11:00 A.M., on Wednesday, December 13, 2017 for Grit & Screenings Removal for the Yorktown Heights Water Pollution Control Plant.

A pre-bid meeting will be held at the site (Yorktown Heights Water Pollution Control Plant, 2200 Greenwood Street) on Tuesday, November 28, 2017 at 10:00 am to answer prospective bidder questions and to review the areas of work.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within sixty (60) days after the actual date of the opening thereof.

Bid documents may also be obtained on the Town of Yorktown's website at www.yorktownny.org and www.EmpireStateBidSystem.com.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER – SEWER DEPARTMENT
RESOLUTION #414

Upon motion made by Councilman Lachterman, seconded by Councilman Bernard,

NOW, THEREFORE BE IT RESOLVED, that The Town Board authorizes the Town Comptroller to make the following budget transfers in the Sewer Budget:

Transfer \$9,000 from 8130.408.2 Fuel Oil DEP/Micro Building to YS.8130.460.2
Sludge Removal.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER AND FOR SUPERVISOR TO SIGN A
PROFESSIONAL SERVICES AGREEMENT WITH ENVIRONMENTAL DESIGN
CONSULTING
RESOLUTION #415

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS,

1. The Town Engineer solicited proposals for professional services to include the following scope of work, defined as Task 1:
 - a. The Town recently received a notification that wetlands in and around the Sparkle Lake Dam are not being sufficiently maintained. Town staff will be assigned to perform the required maintenance activities; however, professional guidance is needed so the wetland plantings are properly protected while the invasive and non-native species are removed.
 - b. The Town is a member of the East-of-Hudson Watershed Corporation (EOHWC), which is constructing regional stormwater basins in the Town of Yorktown. There are two (2) locations where stormwater basins with wetland plantings have been constructed: Railroad Avenue Park and Yorktown Police/Court Building Site. In addition to regular maintenance work at these locations, the Town is responsible for performing an annual Level 2

inspection, which will require the input of a wetland professional to complete an inspection checklist.

- c. There are two Town departments that perform regular maintenance activities in and around wetlands and wetland buffer areas. Provide one (1) day of field training that will consist of a morning and afternoon session so the two departments, Parks and Highway, can receive professional help and guidance while working in these sensitive environmental areas.
2. In addition to the defined scope of work described above, the selected firm will also provide Task 2 on-call services to provide periodic assistance with plan reviews, field inspections and/or attendance at meetings. The Town estimates needing up to fifty (50) hours of on-call services for the 12-month period commencing on the start date of this Agreement. These hours will only be utilized when directed by the Town Engineer.
3. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from two (2) local firms that had the in-house expertise and expressed interest in providing professional services. The firms that provided written proposals were Environmental Design Consulting and D&B Engineers and Architects P.C.
4. The professional engineering services to be provided by Environmental Design Consulting will be performed for the not-to-exceed amount of \$10,870. Note: the work to be performed on-call will be paid at the firm's normal hourly rate schedule included as part of their proposal. The duration of this agreement will be twelve (12) months.
5. In the professional opinion of the Town Engineer, Environmental Design Consulting provided the best overall proposal and the lowest cost to the Town.
6. The cost of the Agreement will be paid with available funds from the 2017 budget, however we are requesting the Town Comptroller make the following budget transfer:
 - a. Transfer \$10,870 from A.1440.490.1 Professional Services Environmental Consulting/Stormwater to a new cost code A.1440.490.2 Professional Services Environmental Consulting/Wetland

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Comptroller to make the budget transfer noted above and authorizes the Town Supervisor to sign a Professional Services Agreement with Environmental Design Consulting for the scope of work as described in preceding section in the not-to-exceed amount of \$10,870.00.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICE AGREEMENT WITH WOODARD AND CURRAN FOR WORK ORDER MANAGEMENT SYSTEM RESOLUTION #416

Upon motion made by Councilman Lachterman, seconded by Councilman Bernard,

WHEREAS,

1. The Town Engineer and Water Superintendent solicited proposals for professional services for the following scope of work: develop and implement a computerized (web-based) work order management system to be utilized by the Water, Sewer and Highway departments. The new system will be integrated with the Town-wide Geographic Information System (GIS) that has recently been updated. Scope of work includes up to three (3) training sessions to educate and assist staff in using the new work order management system.
2. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that had the in-house expertise and expressed interest in

providing professional services. The firms that provided written proposals were Woodard & Curran Engineering PC, GHD Consulting Services Inc. and Bowne Management Services.

3. The professional engineering services to be provided by Woodard & Curran will be performed for a not-to-exceed amount of \$45,262. There will be an additional \$4,500 annual web hosting fee payable to Woodard & Curran.
4. The Agreement will include an allowance in the amount of \$2,000 for any work that may be needed outside of the defined work scope; this work would be paid for at the firm's normal hourly rate schedule that will be included as part of the Agreement. Total cost: \$51,762. The Town departments planning to utilize the system will split the cost as follows:
 - a. Water Department: \$20,000
 - b. Sewer Department: \$20,000
 - c. Highway Department: \$11,762
5. In the professional opinions of the Town Engineer and the Water Superintendent, Woodard & Curran Engineering provided the best overall proposal and the lowest cost to the Town.
6. The estimated duration of this agreement will be six (6) months so the professional services will be provided in the budget year 2017 & 2018.
7. Approximately \$20,000 of the cost of the Agreement will be performed in the remaining months of 2017 and will be paid with available funds from the 2017 budget (Water Dept. \$15,000 & Sewer Dept. \$5,000), however we need the Town Comptroller to perform the following 2017 budget transfers:
8. Water Department: Transfer \$15,000 from SW.8340.0483.0004 GIS to SW.8340.421.1 Computer Support/Software
9. Sewer Department: Transfer \$2,000 from YS.8130.460.2 Sludge Removal to YS.8130.421.1 Computer Support/Software.
10. The remaining work of the Agreement will be performed in 2018 and the balance of the Agreement cost, approximately \$31,762, will be paid with 2018 funds under the same cost code 421.1 Computer Support/Software, cost split as follows:
Water Department: \$5,000 under cost code SW.8340.421.1 Computer Support/ Software
Sewer Department: \$15,000 under cost code YS.8130.421.1 Computer Support/ Software.
Highway Department: \$11,762 under cost code D.5112.421.1 Computer Support/ Software.

NOW, THEREFORE BE IT RESOLVED, that The Town Board authorizes the Town Comptroller to make the budget transfers as noted above and the Town Supervisor to sign a Professional Services Agreement with Woodard & Curran Engineering, PC for the scope of work as described in preceding section and the not-to-exceed amount of \$51,762.00.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

PUMP STATION REBID

Jefferson Park & Walden Woods. Permits that were obtained the first time around will expire in 2018 so we should get this done so permits will not need to be obtained. GHD will make changes to the bid document and should be hired. Their proposal for the extra work is \$9,700. Jefferson Park was not part of the original bid. \$300,000 to eliminate Jefferson Park – changed to gravity sewer that will route to the Peekskill Sanitary Sewer District.

AUTHORIZE SUPERVISOR TO SIGN A CONTRACT AMENDMENT WITH GHD CONSULTING SERVICES, INC. TO PROVIDE BID SPECIFICATIONS FOR THE REBID OF THE PUMP STATION UPGRADE PROGRAM INCLUDING JEFFERSON VALLEY, JEFFERSON PARK AND WALDEN WOODS PUMP STATIONS
RESOLUTION #417

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS,

1. The Town and GHD Consulting Services Inc. signed an agreement for the project entitled: Pump Station Upgrade Program including Jefferson Valley, Jefferson Park and Walden Woods Pump Stations in March 2015 to perform a defined scope of services for the amount of \$465,300.
2. The project was bid in the fall of 2016, however the Town Board decided not to award the contract at that time.
3. The Engineering Department has worked with GHD Consulting Services on several improvements related to the instrumentation and controls and recommends the project be re-bid at this time.
4. GHD Consulting Services provided a proposal for extra engineering services as the project did not originally contemplate more than one public bid period. GHD will prepare revised engineering drawings and contract specifications as requested by the Town. They will also provide assistance to the Town during the bid period; performing a pre-bid inspection for interested bidders, responding to bidder questions and analyzing/recommending an award after bids are received.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Contract Amendment with GHD Consulting Services, Inc., for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$9,700.00.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

REQUEST WESTCHESTER COUNTY INCORPORATE 21 PARCELS ON JUNIPER DRIVE AND 5 ON DALEWOOD COURT INTO THE PEEKSKILL SANITARY SEWER DISTRICT
RESOLUTION #418

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS:

1. The Town desires to divert 21 parcels on Juniper Drive and 5 parcels on Dalewood Court that are currently served by the Jefferson Park Pump Station and the Hallocks Mill Sewer District into a gravity sewer that would convey flow to Campbell Court and discharge into the Westchester County Peekskill Sanitary Sewer District.
2. The Town retained the professional engineering services of GHD Consulting Services in July 2016 to confirm the proposed routing of a new gravity sewer is technically feasible and cost effective versus the planned rehabilitation of the Jefferson Park Pump Station. Plus this approach will save on future operations and maintenance costs as there will not be a standalone pump station for sewer department personnel to service.

NOW THEREFORE BE IT RESOLVED THAT the Town Board of the Town of Yorktown does hereby request the County of Westchester incorporate the land listed BELOW into the Westchester County Peekskill Sanitary Sewer District.

Parcel ID	Owner of Record (June 2016)	Legal Address	Assessed Value
17.05-1-30	HORMAZABEL, S &	238 JUNIPER DR.	9800
17.05-1-31	DEAN, CHRISTOPHER &	234 JUNIPER DR.	9350
17.05-1-32	FLORIO, JOSEPH J & PAULA	241 JUNIPER DR.	9050
17.05-1-33	RADPARVAR, MASOUD	235 JUNIPER DR.	8950
17.06-1-9	PALATHINGAL-ANTONY, JOY	141 JUNIPER DR.	9800
17.06-1-10	LEONARCZYK CHRISTINE	145 JUNIPER DR.	11100
17.06-1-11	PATEL, KANU &	155 JUNIPER DR.	9850
17.06-1-12	MORELLO, JOANN	177 JUNIPER DR.	9000
17.06-1-13	CARLO, LAURA & ANGELO	183 JUNIPER DR.	10950
17.06-1-14	SANCIMINO, MICHAEL &	195 JUNIPER DR.	9400
17.06-1-15	QUINN, COLIN F. & MEGAN	205 JUNIPER DR.	10450
17.06-1-16	CARRICO, EMIDIO & CAROL	215 JUNIPER DR.	11450
17.06-1-17	YELLIN, MARLEEN	227 JUNIPER DR.	9250
17.06-1-19	MALONE, BRIAN & JESSICA	228 JUNIPER DR.	11800
17.06-1-20	O'CONNOR, MICHAEL & ALLIE	214 JUNIPER DR.	11350
17.06-1-49	TETRO, LAURA	200 JUNIPER DR.	9100
17.06-1-50	LEBEN, ARLENE	186 JUNIPER DR.	10050
17.06-1-56	AMORUSO, VICTORIA	170 JUNIPER DR.	8750
17.06-1-57	MOUNAYER, ELIAS	158 JUNIPER DR.	9450
17.06-1-58	MONTESIONE, PATRICK &	146 JUNIPER DR.	9050
17.06-1-59	FRYER, PETER & PAMELA	138 JUNIPER DR.	9800
17.06-1-51	PUENTE, PAUL F. &	3643 DALEWOOD CT.	8450
17.06-1-52	GOODMAN, BENNET	3647 DALEWOOD CT.	10650
17.06-1-53	COOK, EDWARD	3650 DALEWOOD CT.	9400
17.06-1-54	MIELE, VINCENT & EMILIA	3648 DALEWOOD CT.	9500
17.06-1-55	PIZZUTI, MARK & CAROL	3646 DALEWOOD CT.	10000

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

REQUEST FOR A WETLANDS PERMIT TO CONSTRUCT HOMES AT 2715 & 2723 HICKORY STREET

Mr. Phil Sanders, RPG Properties, and Joe Riina, Engineer for the project, discussed with the Town Board the possibility of constructing two homes on adjacent properties located on Hickory Street. Both lots conform to current zoning R1-10 but there is a wetland that goes across both properties. The lots will be served by public water and public sewer and the proposed residences will be kept as far away from the wetlands as possible. A split rail fence will provide a delineated boundary. The sewer will be extended up Hickory Street from Granite Springs Road and there may be a cooperative effort to extend the sewer further up than needed to provide future benefit to other homes on the street. A representative from Hydro Solutions spoke about delineating the wetlands first, and then doing a functionality assessment. Many homes along Hickory Street are in the buffer zone. The functionality conclusions were to recommend slope regrading, a retaining wall to preserve native trees, plantings in buffer zone and trees, shrubs, ground cover to act as barrier; invasive species should be removed and monitoring for 3 years. All work will be done by environmental landscaper.

Town Engineer Michael Quinn stated that he had some technical issues around the sewer. The house development has not yet been discussed. He is not clear on what the point is for the functional assessment. Supervisor Grace said that this is the primary concern. Mr. Joe Riina stated that the point of this discussion is the wetland permit. This area is already impacted by the other residents and the functionality assessment is in support of what they want to do. Town Engineer Quinn stated that there is no technical plans yet. Mr. Joe Riina explained that they just want to know from the Town Board if this is a viable project. Supervisor Grace stated that the Town may want to partner with the applicant to extend the sewer into this area which is already slated to have sewers put in. Supervisor Grace stated that if this dovetails into what the Town wants to do in this area with the proper mitigation this is a worthwhile project.

AUTHORIZE POLICE DEPARTMENT TO SPEND \$10,000 TOWARDS PURCHASE OF NEW CANINE AND TRAINING RESOLUTION #419

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to spend ten thousand dollars (\$10,000.00) towards the purchase of a new canine and training for the canine and patrol handler. When all appropriate fiscal cost reports, receipts and forms are completed and approved this amount will be reimbursed through the New York State Letter of Agreement, Award Contract/Project No LG 17-1282-DOO, and NYS Division of Criminal Justice PO# TI02577.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

APPROVE DEED OF CONSERVATION EASEMENT- TOWN'S CONTRIBUTION OF
\$125,000 TOWARDS OF PURCHASE OF SULLIVAN PROPERTY WITH WESTCHESTER
LAND TRUST

RESOLUTION #420

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS, the Town of Yorktown promotes the preservation of existing open and/or natural conditions as undeveloped wooded land without improvements;

WHEREAS, Edward Sullivan is currently the title owner of two parcels totaling 23.41 acres of land on Saw Mill River Road in Yorktown Heights, NY comprised of Tax Map Designation 48-18-1-2 (approximately 1.61 acres) and Tax Map Designation 48-18-1-3 (approximately 21.8 acres),

WHEREAS, the Westchester Land Trust, Inc. has requested that the Town of Yorktown contribute \$125,000.00 from the Open Space Fund towards the purchase price of the Sullivan Properties with the Westchester Land Trust;

WHEREAS, it is the intention of the Westchester Land Trust to maintain the Sullivan Properties as Open Space and grant to the Town of Yorktown a Deed of Conservation Easement for the purpose of maintaining and preserving the existing open and/or natural conditions as undeveloped wooded land without improvements;

WHEREAS, any legal documents in connection with the purchase of the Sullivan Properties would be subject to the review and approval of the Town Attorney;

BE IT RESOLVED, in consideration for the Deed of Conservation Easement the Town of Yorktown agrees to contribute \$125,000.00 towards the purchase of the Sullivan Properties along with The Westchester Land Trust, Inc.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

ADVERTISE BID FOR AN AQUATIC WEED HARVESTER AND TILT TRAILER
RESOLUTION #421

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on December 15, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y 10598 for an Aquatic Weed Harvester and Tilt Deck Trailer.

Specifications may be obtained at the office of the Town Clerk in said Town Hall, as well as on the Town's website, www.yorktownny.org under "Bids & RFPs."

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above.

All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: "Bid: Aquatic Weed Harvester and Tilt Deck Trailer."

The Town Board reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TO APPLY FOR THE RAILROAD STATION RESTORATION GRANT AGREEMENT
RESOLUTION #422

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

WHEREAS, a Project for the Town of Yorktown, PIN 8780.26 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Yorktown desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of construction, construction inspection, and construction supervision; and

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVED, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Yorktown to pay in the first instance 100% of the federal and non-federal share of the cost of construction, construction inspection, and construction supervision work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$443,643 is hereby appropriated from the General Fund – Fund Balance and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof, and it is further

RESOLVED, that the Supervisor of the Town of Yorktown be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Yorktown with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Supervisor the following municipal titles: Director of Planning, is also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality, with NYSDOT in connection with the advancement or approval of the project identified in the Local Agreement; and

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE REENGAGEMENT OF SULLIVAN DATA MANAGEMENT FOR SERVICES OF INFORMATION AND TECHNOLOGY FOR AN ADDITIONAL THREE YEARS
RESOLUTION #423

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

WHEREAS, the Town of Yorktown's procurement policy allows for the Town Board to re-engage the same vendor without issuing a new Request for Proposals, and an RFP for Information and Technology Services was received from Sullivan Data Management on October 20, 2011 and awarded on November 1, 2011; NOW

THEREFORE BE IT RESOLVED that Sullivan Data Management is reengaged for the services of Information Technology for an additional term of three years commencing January 1, 2018 throughout December 31, 2020 at a total cost of \$73,250.00 per year.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO TRANSFER AS FOLLOWS TO FUND REMAINDER OF THE CAPITAL PROJECT HY TOWNWIDE LASERFICHE PROGRAM
RESOLUTION #424

Upon motion made by Councilman Patel, seconded by Councilman Lachterman,

RESOLVED that the Town Board authorizes the transfer as follows to fund the remainder of the Capital Project HY Town-wide Laserfiche

From:

General Fund – Fund Balance \$101,000.39

To:

HY Laserfiche Capital Project \$101,000.39

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER
RESOLUTION #425

Upon motion made by Councilman Diana, seconded to Councilman Bernard,

RESOLVED that the Town Board authorizes the Town Comptroller to process the following transfer:

From:

Foreclosure / Sales Expenses
A1420.437 \$20,000.00

To:

Legal Settlements
A1420.443 \$20,000.00

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TOWN COMPTROLLER TO PROCESS PAYMENTS FROM CONTINGENCY – CAPITAL PROJECTS FOR ALL THE WORK PERFORMED TO RELOCATE MONUMENTS FROM TOWN HALL
RESOLUTION #426

Upon motion made by Councilman Bernard, seconded by Councilman Diana,

BE IT RESOLVED that the Comptroller is authorized to process payments from Contingency – Capital Projects A1990.499.1 for all work to be performed to relocate monuments from Town Hall to Patriot Park and to construct a handicapped parking lot in front of Town Hall.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE THE RENT SCHEDULE FOR ROOMS LOCATED AT THE YORKTOWN COMMUNITY CULTURAL CENTER
RESOLUTION #427

Upon motion made by Councilman Bernard, seconded by Councilman Lachterman,

BE IT RESOLVED that the Town Board hereby authorizes the rent schedule for rooms located at the Yorktown Community & Cultural Center effect January 1, 2018 through December 31, 2018.

Yorktown Community & Cultural Center		
2018 Room Rental Rates		
Room	STANDARD HOURLY RENTAL FEES	NON PROFIT HOURLY RENTAL FEES
Room 26	\$37.00	\$21.00
Room 209	\$37.00	\$21.00
Senior Nutrition Center	\$63.00	\$37.00
Senior Club Room # 16	\$63.00	\$37.00
Gym	\$63.00	\$37.00

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

EXECUTIVE SESSION

Upon motion made by Councilman Bernard, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss contract negotiations. Upon motion made by Councilman Diana, seconded by Councilman Bernard, the Town Board moved out of Executive Session and proceeded with the meeting.

GRANITE KNOLLS

Todd Orlowski, Superintendent of Parks and Recreation discussed the turf for Granite Knolls project – 3 fields and putting green. They discussed the vendors who submitted proposals and his thoughts on each.

Councilman Patel asked questions regarding UV effects on the turf. Joe Riina, engineer said that there is a UV protection built in and Superintendent Orlowski stated that there is a bit of breakdown that can occur. The product has an 8-year warrantee. Also discussed were different Infill types like cork (eye irritant when dry), coconut, walnut, (allergies), coated sand, coated rubber which raises the cost.

Supervisor Grace stated that in the long run artificial turf is cheaper. No maintenance, no irrigation. Shaw can be obtained on the State cooperative with an additional discount. Carcinogenic effects of rubber fill were discussed and Supervisor Grace stated to go with sand fill. Superintendent Orlowski will look at what would be required for sand (coated rubber pellet system).

ADJOURN

Upon motion made by Councilman Bernard, seconded by Councilman Diana, the Town Board meeting was adjourned.

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN